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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,499	07/23/2004	James Alan Strothman	PU020032	8120

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EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2424

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,499

Applicant(s)

STROTHMAN ET AL.

Examiner

JOSEPH G. USTARIS

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 28, 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, applicant argues with respect to claims 1-18 that Goddard does not disclose detecting a user input indicating the acceptability of the rating sample. However, reading the claims in the broadest sense, Goddard does meet that limitation in the claims. Goddard discloses that the system detects a user input indicating the acceptability of the rating sample (See Fig. 5; col. 10 lines 15-45). The user choosing to block or unblock content is an indicator of the user's acceptability of the content.

The applicant also points out that Goddard's example content of television programs is not a "rating sample". The examiner respectfully disagrees. Applicant's specification defines a rating sample as an image (e.g. video, text, etc) and/or audio content (See specification page 5 line 28). The example content of television programs

disclosed by Goddard is an image (e.g. video). Furthermore, Goddard discloses the exemplary ratings enable media may include various types of media (See col. 3 lines 61-67).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (US006684240B1) in view of Haraoka et al. (US006898801B1).

Regarding claim 1, Goddard discloses a method for personalizing rating limits in a parental control system of a television signal receiver system (See Fig. 3), comprising:

accessing a rating sample (e.g. television media that is example content) (See Fig. 3, 302) having a first rating (e.g. G, PG, PG-13, R, etc.) from a first source (e.g. MPAA) (See col. 1 lines 41-46 and col. 5 lines 52-67);

enabling reproduction of the rating sample having a first rating (e.g. G, PG, PG-13, R, etc.) from a first source (e.g. MPAA) (See col. 1 lines 41-46 and col. 5 lines 52-67);

detecting a user input indicating the acceptability of the rating sample having a first rating from a first source (See Fig. 5; col. 10 lines 15-45; the user inputs whether the example content is acceptable or not);

generating a first transition point (e.g. adjusting the acceptable content rating parameters) based on the user input (See Fig. 5, user input) and the first rating (e.g. G, PG, PG-13, R, etc.) (See col. 7 lines 31-41); and

using the first transition point (e.g. the acceptable content rating parameters) to determine whether data associated with a rating from the first source is output or blocked (See Fig. 3; col. 7 lines 31-41).

However, Goddard does not explicitly disclose that the media is accessed from a rating sample database of said television signal receiver system.

Goddard does disclose that the exemplary ratings enable media may include various types of media (e.g. broadcast television) (See col. 3 lines 61-67). Haraoka et al. (Haraoka) discloses a television distribution system. Haraoka discloses that media (e.g. broadcast video) is accessed from a rating sample database of said television signal receiver system (See Figs. 1, 2, and 4, database 3 and 22; wherein database 2 and 22 stores broadcast video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Goddard to access rating samples from a rating sample database of said television signal receiver system, as taught by Haraoka, in order to expand the capabilities of the system thereby providing storage the enables effective use of communication bandwidth (See col. 1 lines 50-65).

Therefore, in the system disclosed by Goddard in view of Haraoka, the rating sample having a first rating from a first source is accessed from said ratings sample database of said television signal receiver system (See Figs. 1, 2, and 4, database 3 and 22).

Regarding claim 2, wherein the rating sample (e.g. the television media serving as example content) further has a second rating (e.g. TV-G, TV-PG, etc.) from a second source (e.g. TV parental guideline) (See Goddard col. 7 lines 53-66), and further comprised of:

generating a second transition point (e.g. equating the TV rating to a MPAA rating within the acceptable content rating parameters) based on the user input (See Goddard Fig. 5, user input) and the second rating (e.g. TV-G, TV-PG, etc.); and

using the second transition point to determine whether data associated with a rating from the second source is output or blocked (See Goddard Fig. 3; col. 7 lines 31-41).

Regarding claim 3, wherein the user input indicates an MPAA rating (See Goddard col. 5 lines 52-67 and col. 7 lines 31-42; the user inputs to block/unblock content based on an example content, wherein the user selects/inputs the example content which indicates an MPAA rating or a TV parental guideline rating).

Regarding claim 4, wherein the user input indicates a TV Parental Guidelines rating (See Goddard col. 5 lines 52-67 and col. 7 lines 31-42; the user inputs to block/unblock content based on an example content, wherein the user selects/inputs the example content which indicates an MPAA rating or a TV parental guideline rating).

Regarding claim 5, wherein the user input indicates the acceptability of the rating sample for one or more individuals (See Goddard Fig. 5; col. 10 lines 23-34).

Regarding claim 6, wherein the ratings sample comprises at least one of video data, audio data and text data (See Goddard col. 3 lines 61-67; wherein broadcast television and cable television inherently have video data).

Claim 7 contains the limitations of claim 1 (wherein Goddard discloses an apparatus (See Goddard Figs. 2 and 6)) and is analyzed as previously discussed with respect to those claims. Furthermore, Goddard discloses an interface means (See Goddard col. 5 lines 5-14) and a control means (See Goddard Fig. 6, processing system 602).

Claim 8 contains the limitations of claims 2 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 9 contains the limitations of claims 3 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 10 contains the limitations of claims 4 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 5 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 12 contains the limitations of claims 6 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claim 1 (wherein Goddard discloses a television signal receiver (See Goddard Figs. 2 and 6)) and is analyzed as previously

discussed with respect to those claims. Furthermore, Goddard discloses an interface (See Goddard col. 5 lines 5-14) and a processor (See Goddard Fig. 6, processing system 602).

Claim 14 contains the limitations of claims 2 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 3 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 4 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 5 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 6 and 13 and is analyzed as previously discussed with respect to those claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424